

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

In the Matter of the COMPLAINT of
William and Jane Martz, as owners
of the Nautique, for Limitation of
Liability

Case No. 3:20-cv-00152 SLG

ORDER DENYING MOTION TO STAY DEPOSITIONS

Before the Court at Docket 97 is Mr. Horazdovsky's *Motion to Stay Depositions* and at Docket 102 is Limitation Plaintiffs' William and Jane Martz (the "Martzes") response. The facts of this case have been laid out in other filings, and the Court assumes familiarity here. The current issue is whether depositions, currently set to begin tomorrow, February 3, 2023, should be stayed.

The Court previously denied Mr. Horazdovsky's request that the case be delayed until after the conclusion of Reagan Martz's criminal trial. Any motion to reconsider the Court's Scheduling and Planning Order¹ dated August 8, 2022 is untimely.² Additionally, the Court agrees with the Martzes' analysis of the six *Keating* factors as laid out in their opposition brief.³ While respectful of Attorney Meztger's health issues, Mr. Horazdovsky has not met his burden of showing why

¹ Docket 64.

² See Fed. R. Civ. P. Rules 59(e) and 60(b).

³ Docket 102 at 6. See *Keating v. Off. of Thrift Supervision*, 45 F.3d 322, 324 (9th Cir. 1995).

the extraordinary remedy of a stay should be granted.⁴ The Court acknowledges the likely unavailability of Attorney Meztger at the scheduled depositions. However, the Court is confident that Attorney Dan Pace, who has managed the bulk of the motions in the case, including all communications with the Court and counsel associated with the depositions, can capably represent Mr. Horazdovsky's interests at the depositions. Therefore, the depositions shall proceed as scheduled.

For the foregoing reasons, the motion at Docket 97 is DENIED.

ORDERED this 2nd day of February, 2023.

/s/ Sharon L. Gleason
UNITED STATES DISTRICT JUDGE

⁴ See *Keating v. Off. of Thrift Supervision*, 45 F.3d 322, 324 (9th Cir. 1995).